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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKAR AIAH

WRIT PETITION NO.11558/1991

BETWEEN:

Sri Muniveerappa reddy,  
s/o Erappa  
aged 65 yrs,  
r/o Vibuthipura village  
K.R.Puram hobli  
Bangalore south tk.

195  
..petitioner

(By Sri C Lakshminarayana Rao ~~for petr~~  
Sri. P. T. Srinivasa Reddy for Petr.)

AND:

1. State of Karnataka  
by its Secretary & Commissioner  
Dept. of Revenue  
Vidhana soudha,  
Bangalore-1.

.....2

196  
/2/

2. Special Deputy Commissioner,  
Bangalore dist.,  
Bangalore.

3. Special Land Acquisition  
Officer,  
Vishvesvaraiiah centre  
II Floor Podium block,  
Bangalore-1.

..Respondents

(By Sri ~~A~~ Nagaraja HCGP for R1-3)

W.P filed u/a 226 & 227 of the Constitution of  
India with an affidavit praying to: Quash Annexure A  
dt.16.12.87 bearing No.LAQ(1) SR.25/86-87 published  
in the gazette dt.31.12.87 issued by R2 and Annexure B  
dt.9.1.89 bearing No.RD 86 AQ 83 published in the  
Karnataka gazette dt.10.1.89 and etc.,

W.P coming on for Hearing this day, the court  
made the following:

ORDER

Cu (C.t. only)

r.by: *2*  
30/7/98

c.by: *L*

The petitioner has challenged the notifications issued under Sec.4(1) and 6(1) of the Land Acquisition Act, in these petitions.

2. The Division Bench of this Court in WP.3539 to 3542 of 96 and other connected petitions, dated 15-6-1998, has held that the Karnataka Land Acquisition Act, 1961 was non-existent being impliedly repealed with the commencement of Central Act 1/1894 and further held that the Deputy Commissioner who issued the notification under sec.4(1) of the Act, subsequent to Central Act 1 of 1894 as amended by Act 68 of 1984 came into force is without authority of law.

3. In the case on hand also, the preliminary notification is dated 16-12-87, that is, subsequent to the Central Amendment Act 68/1984 came into force. Following the said decision and for the reasons stated therein, this petition is allowed; the impugned notifications issued u/s.4(1) and 6(1) of the L.A. Act, are quashed insofar as the petitioner's lands are concerned. However, this order will not come in the way of the State Government to initiate fresh proceedings.

Sd/-  
JUDGE



